

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

FEB 09 2017

JAMES LOUIS PROFFITT,)
Plaintiff,) Case No. 7:15cv00493
v.)
NANCY A. BERRYHILL,¹)
Acting Commissioner of Social Security,) By: Michael F. Urbanski
Defendant.) United States District Judge

JULIA C. DUDLEY, CLERK
BY:
DEPUTY CLERK

ORDER

This matter was referred to the Honorable Robert S. Ballou, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B), for proposed findings of fact and a recommended disposition. The Magistrate Judge filed a report and recommendation on January 24, 2017, recommending that the plaintiff's motion for summary judgment be denied and the Commissioner's decision be affirmed. No objections to the report and recommendation have been filed, and the court is of the opinion that the report and recommendations should be adopted in its entirety. It is accordingly **ORDERED** and **ADJUDGED** that the plaintiff's motion for summary judgment (ECF No. 17) is **DENIED**, the Commissioner's motion for summary judgment (ECF No. 22) is **GRANTED**, the report and recommendation (ECF No. 28) is **ADOPTED in its entirety**, the Commissioner's decision is **AFFIRMED**, and this matter is **DISMISSED** and **STRICKEN** from the active docket of the court.

¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security and will be substituted for Carolyn W. Colvin as defendant in this case pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

The Clerk is directed to send a copy of this order to all counsel of record.

Entered:

02-09-2017

1st Michael F. Urbanski

Michael F. Urbanski
United States District Judge